

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In Re:** ) **Chapter 13 Case No.: 11-54307 -MSS**  
Nicole M. Boyd )  
 ) **Judge Marilyn Shea-Stonum**  
 )  
Debtors ) **X Original Chapter 13 Plan**  
 ) **Amended Chapter 13 Plan**  
 ) **See Paragraph Twelve for Special Provisions**

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**ATTENTION CREDITORS - YOUR RIGHTS MAY BE AFFECTED.**

You should read this plan carefully and discuss it with your attorney. Anyone who wishes to oppose any provision of this plan must file with the Court a timely written objection. This plan may be confirmed and become binding without further notice or hearing unless a timely written objection is filed. **Creditors must file a proof of claim with the Court in order to receive distributions under this plan. Absent an objection by the Debtor(s) or other party in interest, the Trustee shall pay claims as filed. A proof of claim regarding a secured claim must have proof of security attached.**

**1. PLAN PAYMENTS**

Within 30 days of the filing of this bankruptcy case, the Debtor or Debtors (hereinafter "Debtor") shall commence making monthly plan payments (the "Monthly Plan Payment") pursuant to 11 U.S.C. §1326(a)(1), as follows:

- A. To the Chapter 13 Trustee (hereinafter "Trustee"): \$764.63 per month, payable in  
monthly semi-monthly X bi-weekly weekly installments of \$352.91 each,

X The Debtor is employed by (name and address of employer) and shall make payment by payroll deduction.  
Select Employment Services, Inc.  
4200 Interchange Corporate Center Road  
Warrensville Heights, OH 44128.

\_\_\_\_\_ The Debtor is self-employed and shall make payments to the Trustee by cashier check or money order.

\_\_\_\_\_ The Debtor is retired and/or has (source of income) and shall make payments to the Trustee by check or money order.

The Debtor further proposes to devote all annual income tax refunds greater than \$1,500 (Fifteen Hundred Dollars), excluding child care, educational, and earned income credits to the repayment of creditors under this plan.

**2. ADEQUATE PROTECTION PAYMENTS PRIOR TO CONFIRMATION**

Concurrent with the filing of this plan, the Debtor has filed an agreed entry with the Trustee authorizing the Trustee to make adequate protection payments to the following creditors.

Creditor and Collateral	Account #	Address	Amount
Santander Consumer USA 2007 Camry	XXXXXXXX	P.O. Box 961245 Fort Worth, TX 76161	\$325.00
GE Money Bank 2007 Honda CBR	XXXXXXX-7088	Attn: Bankruptcy Department P.O. Box 103106 Roswell, GA 30076	\$125.00

**3. ORDER OF DISTRIBUTION**

After confirmation of this plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney fees as allowed under applicable rules and guidelines; (iii) monthly payments as provided for in Paragraphs 4, 5 and 6; (iv) priority domestic support obligation claims pursuant to 11 U.S.C. §507(a)(1); (v) other priority unsecured claims pursuant to 11 U.S.C. §507(a); and (vi) general unsecured claims. If the Trustee has received insufficient funds from the Debtor to make the monthly payment to secured creditors, the Trustee may use best efforts to pay secured creditors from the funds on deposit with the Trustee on the date of distribution. Should the Debtor's plan payments result in the completion of payments to unsecured and priority creditors while leaving a balance owing to secured creditors, the Trustee is authorized to remove the fixed monthly payment amounts to finish payment to secured creditors on a pro rata basis in order to expedite payment to the secured creditors.

#### 4. CLAIMS SECURED BY REAL PROPERTY

##### A. Mortgage Arrearages and Real Estate Tax Arrearages

Trustee shall pay the monthly payment amount to allowed claims for mortgage arrearages and real estate tax arrearages in equal monthly payments. Trustee will pay interest on the mortgage arrearage if the proof of claim provides for interest, unless an objection to the claim is filed and an order is entered disallowing the requested interest. Note: The interest rate requested by the creditor must be stated on the front of the proof of claim. Debtor shall pay all post-petition mortgage payments and real estate taxes as those payments ordinarily come due beginning with the first payment due after the filing of the case.

<u>Creditor</u>	<u>Property Address</u>	<u>Estimated Arrearage Claim</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
Bank of America NA	10084 Ridgeside Court	\$10,000.00	0%	175.00
GMAC Mortgage	10084 Ridgeside Court	\$0.00		

##### B. Liens and Other Claims secured by Real Estate

<u>Creditor</u>	<u>Property Address</u>	<u>Amount to be Paid Through the Plan</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
NONE				

#### 5. CLAIMS SECURED BY PERSONAL PROPERTY

##### A. Secured Claims to be Paid Through the Plan:

Trustee shall pay the following claims in equal monthly payments.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
Santander Consumer USA (See Article 12)	2007 Camry	\$14,000.00	4.5%	\$325.00
GE Money Bank (See Article 12)	2007 Honda CBR	\$ 6,441.00	4.5%	\$125.00

#### (FEDERAL TAX LIENS SECURED BY REAL AND PERSONAL PROPERTY)

<u>Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
NONE		

#### 6. DOMESTIC SUPPORT OBLIGATIONS

Debtor does ☒ does not ☐ have domestic support obligations pursuant to 11 U.S.C. §101(14A).

If the Debtor does have domestic support obligations:

The holder(s) of any claims for domestic support obligations pursuant to 11 U.S.C. §1302(d) are as specified below. If the holder of a claim is a minor, the name and address of the minor holder shall be disclosed to the Trustee contemporaneously with the filing of this plan in compliance with 11 U.S.C. §112.

Holder

Name                      Address

Trustee shall pay pursuant to 11 U.S.C. §507(a)(1) on a pro-rata basis the allowed arrearage claims for domestic support obligations. Debtor shall pay all post-petition domestic support obligations as those payments ordinarily come due.

<u>Creditor</u>	<u>Creditor</u>	<u>Estimated</u>
<u>Name</u>	<u>Address</u>	<u>Arrearage</u>
		<u>Claim</u>

#### **7. OTHER PRIORITY CLAIMS**

Trustee shall pay pursuant to 11 U.S.C. §507(a) on a pro-rata basis other allowed unsecured priority claims.

<u>Creditor</u>	<u>Claim</u>	<u>Amount</u>
NONE		

#### **8. GENERAL UNSECURED CLAIMS**

Unsecured Creditors shall be paid 100% of timely filed and non disputed general non-priority unsecured claims.

#### **9. PROPERTY TO BE SURRENDERED**

Debtor will surrender the following property no later than 30 days from the filing of the case unless specified otherwise in the plan. The creditor may file a claim for the deficiency and will be treated as a non-priority unsecured creditor. Any unsecured deficiency claim must be filed within 90 days from the date that the property is surrendered to the creditor. A deficiency claim filed beyond the 90 days must be allowed by separate order of the Court.

<u>Creditor</u>	<u>Property</u>	<u>Description</u>
NONE		

#### **10. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

All executory contracts and unexpired leases are rejected except the following, which are assumed and shall be paid directly by the Debtor to the creditor:

<u>Creditor</u>	<u>Property</u>	<u>Description</u>
NONE		

#### **12. SPECIAL PROVISIONS**

a. Santander Consumer USA shall remove their lien and return title to the debtor upon full payment of their allowed secured claim.

b. GE Money Bank shall remove their lien and return title to the debtor upon full payment of their allowed secured claim.

c. All student loans will remain after discharge. The Chapter 13 Trustee shall not pay said student loans during the Chapter 13.

/s/ Nicole M. Boyd  
Jon K. Parker

/s/ Jonathan I. Krainess  
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